

**AFFIDAVIT OF SPECIAL AGENT VIRGINIA BENDA  
IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Virginia Benda, having been first duly sworn, do hereby depose and state as follows:

**INTRODUCTION**

1. I am a Special Agent (“SA”) with the Federal Bureau of Investigation (“FBI”) and have been so employed for approximately five years. I am currently assigned to the Boston Division, Child Exploitation Task Force. While employed by the FBI, I have investigated federal criminal violations related to, among other things, the online sexual exploitation of children. I have received training in the area of child sexual abuse material and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media, including computer media. I have received training in the investigation of child pornography and child exploitation and have had the opportunity to observe and review examples of child pornography (as defined in 18 U.S.C. § 2256).
2. I submit this affidavit in support of a criminal complaint charging Robinson Alberto BAEZ-NOVA (YOB 1984), of Boston, Massachusetts, with one count of receipt of child pornography, in violation of 18 U.S.C. § 2252A(a)(2)(A), and one count of possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B).
3. The statements contained in this affidavit are based in part on: information provided and written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; information gathered from the service of subpoenas and other records; independent investigation and analysis by FBI agents/analysts and computer forensic professionals; and my experience, training, and background as a Special Agent with the FBI. Because this affidavit is submitted for the

limited purpose of establishing probable cause to secure a criminal complaint, I have not included each and every fact known to me concerning this investigation. Where statements of others are set forth in this affidavit, they are set forth in substance and in part.

#### **STATEMENT OF PROBABLE CAUSE**

4. On November 5, 2020, Boston Police Department Detective Seth Housman received the following thirteen National Center for Missing and Exploited Children (“NCMEC”) CyberTipline Reports, which were referred by the Massachusetts State Police Cyber Crimes Unit: 77983022, 78028444, 79669869, 79668999, 78649274, 78040037, 78037941, 78036593, 78031244, 78029591, 78026608, 79670745, 78024458.<sup>1</sup> According to information reported by Google LLC (“Google”)<sup>2</sup> within these thirteen CyberTipline Reports, the Google account associated with email addresses roinsonalbertobaeznova@gmail.com and robinson2984@gmail.com uploaded suspected child pornography between November 14, 2018 and August 27, 2020.

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<sup>1</sup> NCMEC’s CyberTipline is the nation’s centralized reporting system for the online exploitation of children. The public and electronic service providers can make reports of suspected online enticement of children for sexual acts, extra-familial child sexual molestation, child pornography, child sex tourism, child sex trafficking, unsolicited obscene materials sent to a child, misleading domain names, and misleading words or digital images on the internet.

Pursuant to 18 U.S.C. § 2258A, electronic service providers must report the facts and circumstances of apparent violations of certain federal statutes related to child exploitation, including § 2252A, that are committed with or through the use of their services. 18 U.S.C. § 2258A(1)(a). Those reports must be made to the CyberTipline and must include information related to the identity of the individual who appears to have committed the violations, information related to the geographic location of the individual, information regarding the transmission and discovery of the reported content, and copies of apparent child pornography related to the reported incident. *Id.* § 2258A(1)(b).

<sup>2</sup> Google is an American multinational company that specializes in internet-related services and products, which include online advertising technologies, a search engine, cloud computing, software, and hardware. Google also provides free email service commonly referred to as “Gmail.”

5. Specifically, via the CyberTipline, electronic service provider (“ESP”) Google reported to NCMEC that a Google Photos account owned and operated by Google was storing material that Google believed was child pornography.<sup>3</sup> Google provided NCMEC with the phone number and email addresses associated with the uploading account, the IP address that uploaded the files to the cloud storage account, the date and time Google observed the material on the cloud storage account, and the material believed to be child pornography.
6. Google identified the following information as being associated with the uploading account for all thirteen CyberTipline Reports:

Name: Roinson Alberto Baez Nova  
Mobile Phone: +18574066336 (Verified 03-28-2020 04:52:13 UTC)  
Email Address: roinsonalbertobaeznova@gmail.com (Verified)  
Email Address: robinson2984@gmail.com<sup>4</sup>

7. This affiant has viewed the content of the following CyberTipline Reports and provided a brief summary:
  - a. **CyberTipline Report #77983022-** Received by NCMEC on August 28, 2020, from Google, this CyberTipline Report contained 176 files uploaded by the Google account on or about March 14, 2019.<sup>5</sup> This affiant has described one of those files

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<sup>3</sup> Google Photos is a free photo and storage service offered by Google.

<sup>4</sup> The information provided by Google identified two email addresses (roinsonalbertobaeznova@gmail.com and robinson2984@gmail.com) associated with the Google account.

<sup>5</sup> For each CyberTipline Report provided, Google indicates for each file within the Report, whether the content of the file was viewed by Google. Google explains that, where Google responds “Yes” to this inquiry, it means that the contents of the file reported were viewed by a person concurrently to, or immediately preceding, the sending of the CyberTip. When Google responds, “No,” it means that while the contents of the file were not reviewed concurrently to making the report, historically a person had reviewed a file whose hash (or digital fingerprint) matched the hash of the reported image and determined it contained apparent child pornography.

below:

Filename: IMG-20190312-W0009.jpg

MD5 Hash: 5e3fe3ad232daff3aefeb6e608f792d9

Description: This image depicts a naked prepubescent female laying on her back with her legs spread apart, exposing her vagina.<sup>6</sup>

- b. **CyberTipline Report #79669869-** Received by NCMEC on September 17, 2020 from Google, this CyberTipline Report contained five files uploaded by the Google account on or about November 14, 2018.<sup>7</sup> This affiant has described one of those files below:

Filename: VID-20181113-WA0127.mp4

MD5 Hash: 6c328301927274012e2bdd56226ac9e5

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Within CyberTipline Report #77983022, Google notes for each of the 176 files whether the file was reviewed by Google. Within CyberTipline Report #77983022, some of the files have a “No” response and some of the files have a “Yes” response. I have limited the descriptions provided herein to files that indicate a “Yes” response from Google.

<sup>6</sup> To avoid unnecessary in-person interaction given the health concerns posed by the current pandemic, I am not providing a copy of the images outlined in this search warrant affidavit to the Court. I am aware that the “preferred practice” in the First Circuit is that a magistrate judge view images that agents believe constitute child pornography. *United States v. Brunette*, 256 F.3d 14, 18-19 (1st Cir. 2001). Here, however, the descriptions offered “convey to the magistrate more than [my] mere opinion that the images constitute child pornography.” *United States v. Burdulis*, 753 F. 3d 255, 261 (1st Cir. 2014) (distinguishing *Brunette*). The description of the files provided here is sufficiently specific as to the age and appearance of the alleged child and the type of sexual conduct that the Court need not view the files to determine whether they depict child pornography. *See United States v. Syphers*, 426 F.3d 461, 467 (1st Cir. 2005) (“The best practice is for an applicant seeking a warrant based on images of alleged child pornography is for an applicant to append the images *or provide a sufficiently specific description of the images* to enable the magistrate judge to determine independently whether they probably depict real children.”) (emphasis added).

<sup>7</sup> According to the information contained in Cybertip #79669869, all five of the images associated with this Cybertip were viewed by Google.

Description: This video file is 36 seconds long and depicts what appears to be a prepubescent male having oral sex with an adult male.

- c. **CyberTipline Report # 79670745-** Received by NCMEC on September 17, 2020 from Google, this CyberTipline Report contained four files uploaded by the Google account on March 10, 2019.<sup>8</sup> This affiant has described one of those files below:

Filename: VID-20190309-WA0209.mp4

MD5 Hash: 538122a850ecb7a26fed81a9be8ce244

Description: This video file is 25 seconds long and is a series of pictures put together depicting what appears to be a prepubescent female having oral sex with what appears to be an adult male.

8. In connection with CyberTipline Report #77983022, Google provided multiple Internet Protocol (“IP”) addresses associated with the CyberTipline Report, including 2601:197:680:5abb:4b0:c624:9e62:41bb used August 27, 2020 at 13:28:23 UTC.<sup>9</sup> The Commonwealth of Massachusetts Attorney General’s Office issued an administrative subpoena to Comcast for subscriber information associated with IP addresses 2601:197:680:5abb:4b0:c624:9e62:41bb on August 27, 2020 at 13:28:23 UTC. Comcast provided the following subscriber information in connection with the subpoena:

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<sup>8</sup> According to the information contained in Cybertip #79670745, all four of the images associated with this Cybertip were viewed by Google.

<sup>9</sup> An “Internet Protocol address,” or “IP address,” refers to a unique numeric or alphanumeric string used by a computer or other digital device to access the internet. Every computer or device accessing the internet must be assigned an IP address so that internet traffic sent from and directed to that computer or device may be directed properly from its source to its destination. Most Internet Service Providers (“ISPs”) control a range of IP addresses. IP addresses can be “dynamic” or “static.” ISPs typically maintain logs of the subscribers to whom IP addresses are assigned on particular dates and times.

Subscriber Name: “M. NOVA”<sup>10</sup>  
Service Address: 179 FOREST HILLS ST APT 4,  
JAMAICA PLAIN, MA 02130  
Billing Address: 179 FOREST HILLS ST APT 4,  
JAMAICA PLAIN, MA 02130  
Type of Service: High Speed Internet Service  
Account Number: 8773103211403621

11. Detective Housman conducted a search of the Criminal Justice Information Services database (“CJIS”) for BAEZ-NOVA, which revealed a Massachusetts driver’s license under the name Robinson Alberto BAEZ-NOVA (DOB: xx/xx/1984) with address 179 Forest Hills Street, Apt 7, Boston, MA 02130, consistent with the Comcast subpoena. A Massachusetts Vehicle Registration query also yielded a vehicle registered to BAEZ-NOVA at that address in Jamaica Plain.
12. Additionally, law enforcement learned that, on October 15, 2020, BAEZ-NOVA was arrested by the Nashua, New Hampshire Police Department following a motor vehicle stop. BAEZ-NOVA was the sole occupant of the vehicle. BAEZ-NOVA gave consent to search the vehicle. During a custodial search of BAEZ-NOVA, two Samsung cellular devices were recovered on BAEZ-NOVA’s person, including a Samsung Galaxy S20 Ultra 5G, bearing serial number R3CN20C6HZE.<sup>11</sup>

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<sup>10</sup> For privacy purposes, only the first initial of this individual’s first name has been included.

<sup>11</sup> In connection with the motor vehicle stop on October 15, 2020, BAEZ-NOVA was charged by the State of New Hampshire with possession of a controlled drug (crack-cocaine) with the intent to distribute, receiving stolen property, and possession of child sexual abuse images. *See* Case No. 20-52176-AR (Hillsborough County Superior Court – South). The investigation in New Hampshire, which was based upon a motor vehicle stop, is separate and apart from the instant investigation, which began with the Google CybertipLine Reports. The New Hampshire state charges against BAEZ-NOVA were dismissed on April 19, 2021.

13. On April 16, 2021, I obtained a federal warrant in the District of New Hampshire authorizing the search of BAEZ-NOVA's Samsung Galaxy S20 Ultra 5G, bearing serial number R3CN20C6HZE (the "Equipment"), for evidence, fruits, and instrumentalities of violations of 18 U.S.C. § 2252A(a)(5)(B) (possession of child pornography). At that time, the Equipment was located in Nashua Police Department custody in connection with the October 15, 2020 motor vehicle stop of BAEZ-NOVA.
14. A search of the Equipment revealed images and videos of child pornography.<sup>12</sup> The images and videos include depictions of prepubescent children engaged in sexual acts with adults, further, images and videos depict bondage and bestiality. The search of the Equipment also revealed evidence consistent with BAEZ-NOVA's ownership of the device, including, among other things, four images of BAEZ-NOVA holding up the following identifying documents: a social security card with the name Robinson Alberto BAEZ NOVA, a Massachusetts driver's license in the name of Robinson Alberto BAEZ-NOVA, a Dominican Republic Passport in the name of Robinson Alberto BAEZ NOVA, and a U.S. visa in the name of Robinson Alberto BAEZ-NOVA. The Massachusetts driver's license,

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<sup>12</sup> Based upon my research, along with my training and experience, Samsung devices are manufactured outside of the state of Massachusetts. Accordingly, the Equipment was mailed, shipped, and transported, in interstate and foreign commerce.

Dominican passport, and U.S. visa each contain a photograph that matches the individual holding the document in each picture, who has been identified as BAEZ-NOVA.

15. The search of the Equipment also provided device location information, including Global Positioning System (“GPS”) coordinates, indicating the location of the Equipment on particular dates and times.<sup>13</sup>
16. For example, on May 26, 2015, the location information for the Equipment indicated that the Equipment was located at a latitude of 42.171283 and longitude -71.210033. These GPS coordinates resolve to Washington Street, in Norwood, Massachusetts.
17. On the same day, May 26, 2015, a video was saved to the Equipment containing child pornography. The video, file name 2013-08-14 14-59-08.MP4, is approximately 2 minutes and 1 second long and depicts a prepubescent female, who is naked from the waist down. The video shows that the female child’s feet are tied at the ankles, with her legs spread apart, exposing her genitals. An adult male penetrates the female child’s genitals and anus with his penis. He also penetrates the female child’s vagina digitally. The adult male ejaculates onto the female child’s stomach.
18. On August 13, 2020, the location information for the Equipment indicated that the Equipment was located at a latitude of 42.306078 and longitude -71.103116. These GPS coordinates resolve to Forest Hills Street, in Boston, Massachusetts.
19. On the same day, August 13, 2020, a video was saved to the Equipment containing child pornography. The video, file name 82.wmv, is approximately 8 minutes and 22 seconds

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<sup>13</sup> The search of the Equipment provided device locations, which include GPS coordinates of where the Equipment was located at a specific date and time. GPS coordinates are a unique identifier of a precise geographic location on the earth.



long and depicts a prepubescent female, who is naked on a bed. The video depicts an adult male penetrating the female child's anus and vagina digitally. The child performs an oral sexual act on the adult male while the male holds and pushes the female child's head. The adult male penetrates the female child with his penis and ejaculates in the female child's mouth. Throughout the video, the adult male moves the child around by pushing her down and turning her over.

20. On August 27, 2020, the location information for the Equipment indicated that the Equipment was located at a latitude of 42.306100 and longitude -71.103100. These GPS coordinates resolve to Forest Hills Street, in Boston, Massachusetts.
21. On the same day, August 27, 2020, a video was saved to the Equipment containing child pornography. The video, file name VID-20200827-WA0012.mp4, is approximately 3 minutes long and depicts a prepubescent female, who is naked from the waist down. The female child is laying down, exposing her genitals. An adult male penetrates the female child's genitals with his penis.
22. Additionally, the WhatsApp messaging application was found installed on the Equipment.<sup>14</sup> Within this application, BAEZ-NOVA had a number of messages, including a group message with multiple other WhatsApp users. The WhatsApp messages on the Equipment show that an image of child pornography was distributed via group message on March 14, 2019, and received by BAEZ-NOVA. The image, file name IMG-20190314-

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<sup>14</sup> WhatsApp Messenger is a messaging and voice-over-IP (VOIP) service owned by Facebook, Inc. It allows users to send text messages and voice messages, make voice and video calls, and share images, documents, user locations, and other content using the internet. Accordingly, messages sent using WhatsApp operate in interstate and foreign commerce.

WA0008.jpg, depicts a prepubescent female who is laying down with her legs spread open.

The female child's genitals and anus are exposed in the image.

23. On March 14, 2019, the location information for the Equipment indicated that the Equipment was located at a latitude of 42.422798, and longitude -71.008843. These GPS coordinates resolve to Squire Road, in Revere, Massachusetts.

### CONCLUSION

24. Based on all of the foregoing, I submit that there is probable cause to believe the following:
- a. On or about March 14, 2019, Robinson Alberto BAEZ-NOVA knowingly received any child pornography, using any means or facility of interstate or foreign commerce or that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, in violation of 18 U.S.C. § 2252A(a)(2)(A); and
  - b. On or about August 27, 2020, Robinson Alberto BAEZ-NOVA knowingly possessed any material that contained an image of child pornography that had been mailed, and shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, in violation of 18 U.S.C. § 2252A(a)(5)(B).

Sworn to under the pains and penalties of perjury,

*Virginia Benda*

Special Agent Virginia Benda  
Federal Bureau of Investigation

SUBSCRIBED and SWORN before me telephonically pursuant to Fed. R. Crim. P. 4.1  
this 27th day of April, 2021.

*Marianne B. Bowler*  
HON. MARIANNE B. BOWLER  
United States Magistrate Judge

